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Attorneys for Plaintiff and Petitioner
JAMES SELVITELLA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SELVITELLA,
Plaintiff and Petitioner,

v.

CITY OF SOUTH SAN FRANCISCO,
CALIFORNIA, a Municipal Corporation,
PERSONNEL BOARD OF THE CITY OF
SOUTH SAN FRANCISCO, SOUTH SAN
FRANCISCO FIRE DEPARTMENT,
BARRY M. NAGEL, in his capacity as
SOUTH SAN FRANCISCO CITY
MANAGER, MARTY VAN DUYN, in his
capacity as SOUTH SAN FRANCISCO
ASSISTANT CITY MANAGER, PHILLIP
WHITE, individually and in his capacity as
CHIEF OF THE SOUTH SAN FRANCISCO
FIRE DEPARTMENT, and DOES 1-500,
inclusive,

Defendants and
Respondents.

CASE NO. C 08-04388 CW (WDB)

**JOINT REQUEST UPON
STIPULATION FOR ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

Date: June 15, 2010
Time: 2:00 p.m.
Courtroom: 2 (Hon. Claudia Wilken)

For the reasons set out below, all of the parties hereto request that the Court continue the Case Management Conference presently set for June 15, 2010, for a period of approximately 180 days:

1. On December 24, 2009, the Court entered its Order denying plaintiff's Petition for Writ of Administrative Mandamus pursuant to California Code of Civil Procedure section 1094.5,

1 and staying defendants' motion for summary judgment on plaintiff's 42 USC § 1983 claim. In its
2 Order, the Court directed entry of a Partial Judgment on the Petition for Writ of Administrative
3 Mandamus, pursuant to Federal Rule of Civil Procedure 54(b). On that same day (December 24,
4 2009), the Court entered its Partial Judgment Under Federal Rule of Civil Procedure 54(b).

5 2. Plaintiff subsequently filed an appeal from the Partial Judgment, which is now
6 pending. Plaintiff filed his Opening Brief on June 7, 2010.

7 3. In its Order denying the Petition for Writ of Administrative Mandamus and staying
8 defendants' motion for summary judgment, the Court directed that all discovery and further
9 litigation of the Section 1983 claim was stayed pending further order of the Court following
10 determination of an appeal from the Partial Judgment. For this reason, there has been no activity
11 in the District Court since entry of the Order and Judgment (other than activities related to
12 plaintiff's appeal), and it is anticipated that there will be no non-appeal related activity until
13 determination of the appeal.

14 Accordingly, in view of the pending appeal from the Partial Judgment, in which briefing
15 is ongoing and oral argument has not yet been scheduled, the parties jointly request and stipulate
16 that the Case Management Conference set for June 15, 2010 be continued to a date convenient to
17 the Court approximately six months in the future, in late November or early December 2010, or
18 January 2011.

19
20 Dated: June 8, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

21 By: /s/ JAMES A. LASSART

JAMES A. LASSART

Attorneys for Plaintiff and Petitioner

22
23 Dated: June 8, 2010

MEYERS NAVE RIBACK SILVER &
WILSON

24
25 By: /s/ KIMBERLY COLWELL

KIMBERLY COLWELL

JOSEPH QUINN

KAY KESSLER

Attorneys for Defendants and Respondents

